

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

STEVEN G. MILLETT,)	
MELODY J. MILLETT,)	
On Behalf Of Themselves and)	
All Others Similarly Situated,)	
Plaintiffs,)	
)	
vs.)	Cause of Action No.: 04-2448-CM-GLR
)	
TRUELINK, INC.)	
Defendant.)	

**PLAINTIFFS' MOTION TO FILE, OUT OF TIME, THEIR RESPONSE TO DEFENDANT'S
MOTION TO DISMISS, OR IN THE ALTERNATIVE, MOTION TO TRANSFER**

Plaintiffs, Steven G. Millett and Melody J. Millett, by and through their undersigned attorneys, file this motion to file a response, out of time, to Defendant's Motion to Dismiss, or, in the alternative, Motion to Transfer. (Doc. 29) In support of their motion, Plaintiffs state as follows:

1. Counsel for Plaintiffs has been in consultation with lead counsel for Defendant and lead counsel was aware that Plaintiffs intended to consent to transfer of this action.
2. When electronic notification of the Motion to Dismiss, or in the Alternative, Motion to Transfer was received, the undersigned failed to properly docket the response date. The error was discovered when the undersigned contacted defense counsel to continue with the parties' planning conference.
3. Plaintiffs counsel was unable to reach lead attorneys for Defendant to ascertain whether Defendant would oppose this motion to file a response out of time because both attorneys assigned to this matter are away from the office. Local counsel indicated he was uncomfortable agreeing to such a motion without consulting with lead counsel.

4. Defendant will not be prejudiced if the court allows Plaintiffs to file their response out of time. Lead counsel for Defendant was aware that Plaintiffs intended to agree to transfer of the action. Lead counsel for Defendant will be unavailable until August 2, 2005 in any event.

5. Co-counsel with the undersigned is away from the office and the undersigned is committed to conducting depositions for the matter of A.J. Plastic Products, Inc. v. Sandretto, U.S.A., Inc., Case No. 04-2267, in this Court. One of these depositions will require travel but the undersigned can prepare the response for filing upon return on August 2, 2005.

6. This motion is not being filed for purposes of harassment or delay.

WHEREFORE, Plaintiffs respectfully request that they be allowed to file their Response to Defendant's Motion to Dismiss, or, in the Alternative, Motion to Transfer (Doc. 29) on or before August 3, 2005.

RESPECTFULLY SUBMITTED,

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ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

The foregoing was filed electronically and notice of such filing was provided to counsel for the parties pursuant to the Electronic Case Filing Rules of the United States District Court for the District of Kansas on July 28, 2005.

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s/ B. Joyce Yeager
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